HONOURABLE SRI JUSTICE B.PRAKASH RAO
AND
HONOURABLE SRI JUSTICE RAMESH RANGANATHAN

WRIT APPEAL No.983 OF 2006
Dated:28.09.2006

Between:
K.Radhakrishna Reddy and another.

.....
PETITIONERS

AND

The APSRTC reptd by its Vice-Chairman/
Managing Director, Musheerabad,
Hyderabad and eight others.

.....RESPONDENTS

HONOURABLE SRI JUSTICE B.PRAKASH RAO
AND
HONOURABLE SRI JUSTICE RAMESH
RANGANATHAN

WRIT APPEAL No.983 OF 2006

JUDGMENT: *(per Hon'ble Sri Justice Ramesh Ranganathan)*

Aggrieved by the interim orders of the learned Single Judge, in W.P.M.P.No.17757 of 2006, in W.P.No.14262 of 2006 dated 13.07.2006, whereby the unofficial respondents therein were directed not to be promoted, W.V.M.P.No.1437 of 2006 was filed. The learned Single Judge by order dated 14.09.2006 permitted the respondents to effect promotions in terms of

the seniority list dated 17.04.2006, but however made it clear that such promotions would be subject to the outcome of the writ petition.

2 . Smt K.N.Vijaya Lakshmi, learned counsel appearing for the Appellants-Writ Petitioners would submit that the appellants are seniors to the unofficial respondents and as such, they ought to have been considered for promotion prior to the unofficial respondents. This fact is disputed by Sri M.Ravindranath Reddy, learned counsel appearing on behalf of the unofficial respondents, according to whom, in terms of seniority list dated 17.04.2006, it is the unofficial respondents, who are entitled to be considered for promotion prior to the Appellants-Writ Petitioners. He would also submit that the respondents, in their counter-affidavit, have stated that they are contemplating effecting promotions and it is in such circumstances, that the order dated 14.09.2006 was passed by the learned Single Judge.

3. It is well settled that the question as to whether or not promotions should be effected are matters for the authorities concerned, in their wisdom, to decide. While an employee is entitled to challenge the selection process or the selections made he cannot seek a direction that a particular employee should not be promoted at all. Leaving it open to the respondents-Corporation, if it so

chooses, to effect promotions, we make it clear that the order of the learned Single Judge cannot be construed as a Mandamus directing the Corporation to effect promotions in a particular manner. Needless to state that in case any promotions are effected the same shall always be subject to the outcome of the writ petition.

4. The Writ Appeal is accordingly disposed of. There shall, however, be no order as to costs.

B.PRAKASH RAO, J

RAMESH RANGANATHAN, J

28.09.2006
Note:
Issue operative portion
of the order by wire
at party's costs.
B/o
dr